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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,741	01/02/2004	Hal Popplewell	776503-600-001	1843

7590 05/05/2005

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EXAMINER

MASINICK, MICHAEL D

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/750,741	POPPLEWELL, HAL	
	Examiner	Art Unit	
	Michael D. Masinick	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

This application was filed with informal drawings which are acceptable for examination. Formal drawings will be required upon issue of a notice of allowance.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-7, drawn to an assembly line with a notification system, classified in class 700, subclass 106.
 - II. Claims 8-13, drawn to the joining of pieces in an assembly line with database updating using tags, classified in class 700, subclass 116.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each invention has separate utility along an assembly line, but neither is required for the operation of the other. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Blaney Harper on April 28th, 2005 a provisional election was made without traverse to prosecute invention II, claims 8-13. Affirmation of this

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election must be made by applicant in replying to this Office action. Claims 1-7 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2003/0196312 to Moore et al in view of U.S. Patent No. 4,611,380 to Abe et al.

7. Examiner would first like to bring attention to the Moore reference. This patent publication is for a case which has gone abandoned and references application number 09/544,422 which is now laid open upon the publishing of this pre-grant publication. It appears that the subject matter of the current application (specification, drawings, and claims) has been created using the previous application as a starting point and advancing on the concepts set forth. However, there is no documentation evidence that applicant has invented any piece of this current invention other than "automatically reading a second information tag associated with said component; and transmitting information from said second tag to said computer". All other claimed elements are clearly found in the Moore reference or in the specification of the cited

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parent document. However, there are no common inventors, common assignment, common attorneys, or a request for priority. Therefore, the Moore document must be treated as prior art.

8. Also, applicant is reminded that any other known information or documents pertinent to the patentability of these claims should be filed in an information disclosure statement in response to this office action.

9. Regarding claims 8-13, as noted above, all claimed aspects of this invention are clearly shown in Moore et al (most of them even word for word) with the exception of the claim elements "automatically reading a second information tag associated with said component; and transmitting information from said second tag to said computer".

10. The use of various types of "tags" in assembly line systems is not new. RFID tags, bar code readers, and magnetic tags all have a multitude of prior art showing their use on assembly lines to provide information regarding components to be assembled.

11. Abe shows an assembly line manufacturing process which "automatically reading a second information tag associated with said component". Specifically, Abe shows a "bar code label sheet" which has a bar code for each component which is to be added to the vehicle along the production line as well as other information such as color of paint for the painting station (Column 2, lines 20-48,). Examiner also notes claim 29 of Abe showing information about components to be mounted on the base component and a controller (computer) for receiving said digital signal from the bar code reader.

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the component bar code information relaying system of Abe to relay information about components to be attached in Moore because "a bar code label used in the

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control method is effective... to provide information and instructions relating to the models, types, and/or specifications of the products [to be installed]" (Abe, Col 3, lines 14-17).

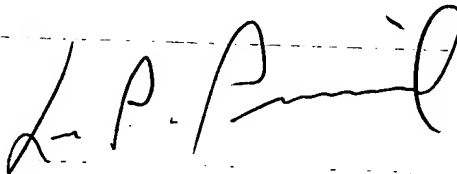
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Masinick whose telephone number is (571) 272-3746. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MDM



LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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700/106

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8. A method of manufacturing an item using an assembly line having a plurality of operators wherein said item incorporates at least one component from each of a plurality of said operators, comprising:

identifying to a computer system a first portion of said item by automatically reading a first information tag associated with said first portion;
automatically determining the location of said first portion; recording said location of said first portion in said computer system; automatically identifying to said computer system at least one component to be added to said first portion;
automatically reading a second information tag associated with said component;
transmitting information from said second tag to said computer; incorporating said component into said first portion;
identifying to said computer system that said component has been incorporated into said item; and
displaying said identification to at least one operator.

9. The method of claim wherein said item comprises a portion of a vehicle.

10. The method of claim 8 further comprising the steps of:

remotely locating components from said assembly line;

automatically determining when said components are required by said manufacturing process; and

automatically notifying a supplier that said components are required to be supplied to a manufacturing line.

11. The method of claim 8 wherein the step of notifying operators comprises providing a graphical display.

12. The method of claim 11, further comprising:

creating a graphical representation of the status of an assembly line;

displaying an icon on said graphical display representing the status of one first portion.

13. The method of claim 12 wherein said icon represents the location of said first portion on said manufacturing line.